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H – 1055

International Court of Justice

H1055 - 0002

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946

SUBMISSION OF AFFIDAVITS BY THE DEFENSE PURSUANT TO THE ORDER OF THE TRIBUNAL DATED 5 JULY 1946.

COMMISSIONERS:

Mr. George R. Taylor.

The SS

(The Commission convened at 1400 hours)

MR. TAYLOR: We will now take up affidavits for the SS.

DR. RAUSCHENBACH: To begin with I have two affidavits which I beg to be allowed to present. These two affiants were heard as witnesses before the Commission but they were heard about a different thing, and the first one, Dr. Joel, was not a SS witness.

The first affidavit by Dr. Joel:

The Reich Minister of Justice had no difficulties during the trial with the penal prosecution against SS members. The Sturmbamfuehrer who was employed as a liaison fuehrer between the SS courts and the Reich Ministry of Justice in the summer of 1935 took care of it in each case that the SS leadership offices did not make any difficulties regarding the punishment of accused SS members by the ordinary courts.

Com A
1 - 2
Cook
1400 - 1430
1 August 1946
Affidavits

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MR. TAYLOR: Is there any objection to the affidavit?

MR. MARECOO: No objection.

MR. TAYLOR: The affidavit will be marked SS 109 for identification.

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DR. RAUSCHENBACH: The second affidavit comes from Kubitz. It pertains to the Volksdeutsche Mittelstelle.

Summary: The Volksdeutsche Mittelstelle is not an SS office. See German Transcript pp. 60 and 82) It deals with two areas of work.

Area of work No. 1 deals with the care of German communites and as a Reich authority was subordinate directly to the act of the State.

The area of work No. 2 pertains to the ~~xxx~~ resettlement of Germans from abroad and it was subordinate to the Supreme Reich authority, that is, the Reich Commissar for the Commission of Volksdeutsche Mittelstelle. In both cases they were thus Reich authorities. This can also be seen from the entire organization of the office and it's personnel, and economy. This ~~xxxxx~~ is detailed below.

MR. TAYLOR: If there is no objection, let the affidavit be marked SS 110 for identification.

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DR. RAUSCHENBACH: The next affidavit deals with the Prosecution having mentioned repeatedly the organization book as an authoritative official publication.

Affidavit of Hederich:

Summary: The organization book of the NSDAP was not an obligatory official publication. It merely showed working directions and with the principles along which the Reich Organization Leader, Dr. Ley, intended to construct the organization. This is also why Hitler expressly refused to contribute a preface to the book. Consequently the organization book cannot be considered a valid medium of information regarding the actual organizational structure of the SS.

MR. TAYLOR: Is there any objection? If not, let the affidavit be marked SS No. 111 for identification.

******

DR. RAUSCHENBACH: The next four affidavits deal with the Reich Commission for the Consolidation of German Nationalities and pertains to those points of the charges which deal with the Germanization menance.

Affidavit of Freifelt:

Himmler's speeches were Utopian, illusionary speeches regarding the German extensions towards the East.

In the first third of the year 1943 Himmler must have been able to see that his promises would not be fulfilled since after that time he was no longer interest-

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ed in his tasks as Reich Commissioner for the consolidation of German Nationalities. Only a narrow circle had become aware of the speeches in Posen and Bad Schachen (1919 PS and L 70, U S Exhibit 308). Even the chief of the Staff Central Office was not acquainted with them. They were in complete opposition to the legal basis and actual situation and the experts who were commissioned with the consolidation of German Nationalities were convinced until the last of the correctness of the official peaceful re-construction program.

MR. TAYLOR: If there is no objection, let the affidavit be marked SS No. 112 for identification.

******

DR. RAUSCHENBACH: Affidavit of Greifelt. The affidavits which were submitted by the Prosecution to prove that the Staff Central Office is alleged to be a department of the SS Supreme Command are no proof, since they are neither official nor authentic and are contradictory to the actual legal situation.

They also show that the mass of the members of the SS had been wrongly informed about the tasks of the Staff Central Office. It deals with a diagram of Berger, U S Exhibit 445, National Socialist year book for 1941, 2163 PS, U S Exhibit 444, Organization Book NSDAP 1943, 2640 P S, U S Exhibit 323; list of addresses

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of the SS 2769 PS.

MR. TAYLOR: If there is no objection, let the affidavit be marked SS No. 113 for identification.

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DR. RAUSCHENBACH: Affidavit of Greifelt:

Summary: One of the offices, as for instance, Volksdeutsche Mittelstelle, Staff Central Office, or Chief of the SIPO and of the SD offices of the Reich Commissioner for the Consolidation of German Nationalities did not know of each other what the other one intended to do. This proved Himmler's principle (divide et impera). Not one of these three offices had authority to issue directives to any other, particularly not the staff central office.

Planning of evacuation and resettlement as charged by the Prosecution to the Staff Central Office, (See page 1681 of the German Transcript) couldn't have taken place.

MR. TAYLOR: If there is no objection, let the affidavit be marked SS No. 114 for identification.

****

DR. RAUSCHENBACH: The next is an affidavit by Creutz:

Summary: Germanization in the general Government: (910 P S U S Exhibit 310, German Transcript p 132; 2233 P S/T U S Exhibit 307, Frank's Diary of 1942, p. 830-832, German Transcript p. 2319) In so far as a settlement by the

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Government was executed at all it must be brought back to a local initiative of Kruegers. In any case it could not be based on a plan of the Staff of the Central Office to the Reich Commissioner for Consolidation of the German Nationality because the Germans living in the General Government were re-settled into the Reich area according to plan only since 1940. For no Germans who at that time had attached themselves to the re-settlement procedure, a re-settlement was out of thequestion. The SS members could not know anything of that sort of Germanization if not even the Reich authorities who were competent toward the re-settlement were not informed.

MR. TAYLOR: If there is no objection, the affidavit will be marked SS No. 115 for identification.

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DR. RAUSCHENBACH: The next affidavit pertains to the point of the Prosecution that the order by Hitler, dated 17 August, 1938, proved a unity within the SS.

The affidavit of Petri, in his capacity as Chief of the Amtes Organization within the SS Hauptamt, has written the outline for the Hitler order dated 17th August 1938 (Document 647, P S, U S A Exhibit 443) It was not the purpose of this order to bring about an an organizational connection between the General SS, the Death Head Units and the Special Actinn Troops, so as to

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perhaps produce a new armed force aside from the Wehrmacht, but on the contrary it was the purpose of this order to separate the individual sectors of the SS, and in the event of war, to coordinate them into the Wehrmacht. The directives of that order, which said that the Waffen SS was to be made politically a subdivision of the NSDAP merely had for it's purpose to assure the SS the right to vote, which without this course would have disappeared while they were serving in the armed forces.

MR. TAYLOR: Is there any objection? If not, let the affidavit be marked SS 116 for identification.

****

DR. RAUSCHENBACH: The next affidavit pertains to three different points:

First: That the main defendant, Ribbentrop, was merely an honorary leader of the SS.

The second point pertains to the WaffenSSS actually being a sector of the Wehrmacht and that the influence of Himmler as to them was a minor one.

The third point pertains to the fact that the affiant Schulze, who for three years was active in the Fuehrer headquarters could not have heard anything about the crimes in concentration camps and the extermination of the Jews.

Affidavit of Richard Schulze:

Com A
1 - 8
Cook
1400 - 1430
1 August 1946
Affidavits

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Summary: Secretary of Ribbentrop from May 1939 until February 1940 was ADC with Hitler, and beginning October, 1941, personal ADC to Hitler; from October 1942 until December 1944.

Schultze in his capacity as Secretary of Ribbentrop had not received any SS directives, though he was detached to the foreign office from the SS special action troops. Equally, the SS did not influence the activity of Ribbentrop, though he was a high SS Fuehrer, but only an honorary Fuehrer. Consequently, the provisional offical activity of SS members had nothing to do with their membership in the organization of the SS.

Second, based on the reports by Jodl and the Chief of the General Staff, Hitler himself ordered the committment of the Waffen SS. Himmler had no influence on that but he was informed about the action taken on it. He merely had an authority pertaining to personnel and replacements, no more influence than he had on the peoples' xxxxxx grenadier divisions, which were xxxxxxx subordinate to Himmler.

Third, though Schultze was in the leadership headquarters and xxxxxx for more than three years, and though he participated on discussions of the situations, and in private meetings with Hitler in the closest circles he never heard anything about the crimes in the concentration camps, the extermination of the Jews, the gassings and the activities of the special action commandos. He

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also did not know that there were as many concentration camps as this and that it was impossible/~~xx~~ that more than quite a small circle knew about it. Since October 1942, all conferences with Hitler were taken down in shorthand. Only Himmler was received without witnesses by Hitler approximately every two weeks. The horrible orders must have been given during these conferences. Even the different action officials of Hitler were obliged to keep things secret from each other by Hitler himself so that no one could know more than actually came within the purview of his activity.

MR. MARECOO: No objection.

MR. TAYLOR: Let the affidavit be marked SS No. 117 for identification.

****

DR. RAUSCHENBACH: The next affidavit is supplementary to a formerly submitted affidavit pertaining to the Lebensborn, which is charged mainly in the Prosecution with having the wormen turn over their children to the State.

Affidavit of Irmgard Stprengel:

Summary: First, there never was an obligation to the women who brought their children into this world in a home of the Lebensborn to give up this child in favor of the State.

Second, the Lebensborn, never was an institution

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for the production of children. The Lebensborn only became active when a woman was pregnant already and turned to the Lebensborn in applying for reception in one of it's homes.

Third, a woman who turned to the Lebensborn so that the man can be appointed by whom she can bear a child, was told unmistakeably that she asked something impossible of the Lebensborn.

MR. TAYLOR: If there is no objection, let the affidavit be marked No. 118 for identification.

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(The Commission arjourned at 1430 hours)

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The foregoing is a true and correct transcript of the submission of Affidavits by DR. RAUSCHENBACH, taken on 1 August 1946.

Reporter (pp

CERTIFIED TO :

Commissioner

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

SUBMISSION OF AFFIDAVITS BY THE DEFENSE PURSUANT TO THE ORDER OF THE TRIBUNAL DATED 5 JULY 1946.

COMMISSIONERS:

Mr. George R. Taylor.

The SS

(The Commission convened at 1400 hours)

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DR. RAUSCHENBACH: To begin with I have two affidavits which I beg to be allowed to present. These two affiants were heard as witnesses before the Commission but they were heard about a different thing, and the first one, Dr. Joel, was not a SS witness.

The first affidavit by Dr. Joel:

The Reich Minister of Justice had no difficulties during the trial with the penal prosecution against SS members. The Sturmbamfuehrer who was employed as a liason fuehrer between the SS courts and the Reich Ministry of Justice in the summer of 1935 took care of it in each case that the SS leadership offices did not make any difficulties regarding the punishment of accused SS members by the ordinary courts.

MR TAYLOR: Is there any objection to the affidavit?

MR. MARCOO: No objection.

MR TAYLOR: The affidavit will be marked SS 109 for identification.

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DR. RAUSCHENBACH: The second affidavit comes from Kubitz. It pertains to the Volksdeutsche Mittelstelle.

Summary: The Volksdeutsch Mittelstelle is not an SS office. See German Transcript pp. 60 and 82) It deals with two areas of work.

Area of work No. 1 deals with the care of German communities and as a Reich authority was subordinate directly to the act of the State.

The area of work No. 2 pertains to the resettlement of Germans from abroad and it was subordinate to the Supreme Reich authority, that is, the Reich Com-

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missar for the Commission of Volksdeutsche Mittelstelle. In both cases they were thus Reich authorities. This can also be seen from the entire organization of the office and it's personnel, and economy. This is detailed below.

MR TAYLOR: If there is no objection, let the affidavit be marked SS 110 for identification.

DR. RAUSCHENBACH: The next affidavit deals with the Prosecution having mentioned repeatedly the organization book as as authoritative official publication.

Affidavit of Rederich:

Summary: The organization book of the NSDAP was not an obligatory official publication. It merely showed working directions and with the principles along which the Reich Organization Leader, Dr. Ley, intended to construct the organization. This also why Hitler expressly refused to contribute a preface to the book. Consequently the organization book cannot be considered a valid medium of information regarding the actual organizational structure of the SS.

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MR TAYLOR: If there is no objection, let the affidavit be marked SS No. 112 for identification.

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DR. RAUSCHENBACH: Affidavit of Greifelt. The affidavits which were submitted by the Prosecution to prove that the Staff Central Office is alleged to be a department of the SS Supreme Command are no proof, since they are neither official nor authentic and are contradictory to the actual legal situation.

They also show that the mass of the members of the SS had been wrongly informed about the tasks of the Staff Central Office. It deals with a diagram of Berger, U.S. Exhibit 445, National Socialist year book for 1941, 2163 PS. US Exhibit 444, Organization Book NSDAP 1943, 2640 PS, US Exhibit 323; list of addresses of the SS 2769 PS.

MR TAYLOR: If there is no objection, let the affidavit be marked SS No. 113 for identification.

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DR. RAUSCHENBACH: Affidavit of Greifelt:

Summary; One of the offices, as for instance, Volksdeutsche Mittelstelle, Staff Central Office, or Chief of the SIPO and of the SD offices of the Reich Commissioner for the Consolidation of German Nationalities did not know of each other what the other one intended to do. This proved Himmler's principle (divide et impera). Not one of these three offices had authority to issue directives to any other, particularly not the staff central office.

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MR TAYLOR: If there is no objection, let the affidavit be marked SS No. 114 for identification.

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DR. RAUSCHENBACH: The next is an affidavit by Creutz:

Summary: Germanization is the general Government: (910 PS US Exhibit 310, German Transcript p 132; 2233 P S/T US Exhibit 307, Frank's Diary of 1942, p.830-832, German Transcript p 2319) In so far as a settlement by the Government was executed at all it must be brought back to a local initiative of Kruegers. In any case it could not be based on a plan of the Staff of the Central Office to the Reich Commissioner for Consolidation of the German Nationality because the Germans living in the General Government were re-settled into the Reich area

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according to plan only since 1940. For no Germans who at that time had attached themselves to the re-settlement procedure, a re- settlement was out of the question. The SS members could not know anything of that sort of Germanization if not even the Reich authorities who were competent toward the re-settlement were not informed.

MR TAYLOR: If there is no objection, the affidavit will be marked SS No.115 for identification.

****

DR. RAUSCHENBACH: The next affidavit pertains to the point of the Prosecution that the order by Hitler, dated 17 August, 1938, proved a unity within the SS.

The affidavit of Petri, in his capacity as Chief of the Amtes Organization within the SS Hauptamt, has written the outline for the Hitler order dated 17th August 1938 () Document 647, PS USA Exhibit 443) It was not the purpose of this order to bring about an organizational connection between the General SS, the Death Head Units and the Special Action Troops, so as to perhaps produce a new armed force aside from the Wehrmacht, but on the contrary it was the purpose of this order to separate the individual sectors of the SS, and in the event of war, to coordinate them into the Wehrmacht. The directives of that order, which said that the Waffen SS was to be made po itically a subdivision of the NSDAP merely had for it's purpose to assure the SS the right to vote, which without this course would have disappeared while they were serving in the armed forces.

MR TAYLOR: Is there any objection? if not, let the affidavit be marked SS 116 for identification.

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DR. RAUSCHENBACH: The next affidavit pertains to three different points:

First: That the main defendant, Ribbentrop, was merely an honorary leader of the SS.

The second point pertains to the Waffen SS actually being a sector of the Wehrmacht and that the influence of Himmler as to them was a minor one.

The third point pertains to the fact that the affiant Schulze, who for three years was active in the Fuehrer headquarters could not have heard anything about the crimes in concentration camps and the extermination of the Jews.

Affidavit of Richard Schulze:

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Summary: Secretary of Ribbentrop from May 1939 until February 1940 was ADC with Hitler, and beginning October, 1941, personal ADC to Hitler; from October 1942 until December 1944.

Schultze in his capacity as Secretary of Ribbentrop had not received any SS directives, though he was detached to the foreign office from the SS special action troops. Equally, the SS did not influence the activity of Ribbentrop, though he was a high SS Fuehrer, but only an honorary Fuehrer. Consequently, the provisional official activity of SS members had nothing to do with their membership in the organization of the SS.

Second, based on the reports by Jodl and the Chief of the General Staff, Hitler himself ordered the committment of the Waffen SS. Himmler jad no influence on that but he was informed about the action taken on it. He merely had an authority pertaining to personnel and replacements, no more influence than he had on the peoples' grenadier divisions, which were subordinate to Himmler.

Third, though Schultze was in the leadership headquarters and for more than three years, and though he participated on discussions of the situations, and in private meetings with Hitler in the closest circles he never heard anything about the crimes in the concentration camps, the extermination of the Jews, the gassings and the activities of the special action commandoes. He also did not know that there were as many concentration camps as this and that it was impossible that more than quite a small circle knew about it. Since October 1942, all conferences with Hitler were taken down in shorthand. Only Himmler was received without witnesses by Hitler approximately every two weeks. The horrible orders must have been given during these conferences. Even the different action officials of Hitler were obliged to keep things secret from each other by Hitler himself so that no one could know more than actually came within the purview of his activity.

MR MARCOO: No objection.

MR TAYLOR: Let the affidavit be marked SS No. 117 For identification.

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DR. RAUSCHENBACH: The next affidavit is supplementary to a formerly submitted affidavit pertaining to the Lebensborn, which is charged mainly in the Prosecution with having the women turn over their children to the State.

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Affidavit of Irmgard Stprengel;

Summary: First, there never was an obligation to the women who brought th their children into this world in a home of the Lebensborn to give up this child in favor of the State.

Second. the Lebensborn, never was an institution for the production of children. The Lebensborn only became active when a womwn was pregnant already and turned to the Lebensborn in applying for reception in one of it's homes.

Third, a woman who turned to the Lebensborn so that the man can be appointed by who she can bear a child, was told unmistakeably that she asked something impossible of the Lebensborn.

MR TAYLOR: If there is no objection, let the affidavit be marked No. 118 for identification.

****

(The Commission ajourned at 1430 hours)

The foregoing is a true and correct transcript of the submssion of Affidavits by DR. RAUSCHENBACH, taken on August 1 1946.

Cook
Reporter.

CERTIFIED TO:

George R Taylor
Commissioner

H1055 - 0019